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2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the
Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to
restrictions on the disposal of yard waste

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The environmental conservation law is amended by adding a
2 new section 27-0721 to read as follows:
3 S 27-0721. RESTRICTIONS ON THE DISPOSAL OF YARD WASTE.
4 1. ON OR AFTER SEPTEMBER FIRST, TWO THOUSAND SEVENTEEN, NO PERSON
5 SHALL KNOWINGLY DELIVER YARD WASTE TO A LANDFILL FOR PURPOSES OF LAND
6 BURIAL, OR TO AN INCINERATOR FOR PURPOSES OF COMBUSTION, OR DISPOSE OF
7 YARD WASTE AT A LANDFILL OR INCINERATOR. FOR PURPOSES OF THIS SECTION,
8 "YARD WASTE" SHALL MEAN LEAVES, GRASS CLIPPINGS, GARDEN DEBRIS AND WOOD
9 DEBRIS INCLUDING TREE TRUNKS AND SMALL OR CHIPPED BRANCHES. UPON APPLI-
10 CATION, THE COMMISSIONER MAY, WHEN DEMONSTRATED TO HIS OR HER SATISFAC-
11 TION, GRANT A VARIANCE EXTENDING UNTIL SEPTEMBER FIRST, TWO THOUSAND
12 NINETEEN. GRANTING OF SUCH VARIANCE SHALL ONLY BE MADE IF BASED UPON A
13 DEMONSTRATION BY THE APPLICANT THAT A GOOD FAITH EFFORT IS BEING MADE TO
14 MEET THE REQUIREMENTS OF THIS SECTION AND UPON A SHOWING OF HARDSHIP DUE
15 TO REASONS BEYOND THE CONTROL OF THE APPLICANT.
16 2. EXCLUDED FROM THE PROVISIONS OF THIS SECTION ARE MINOR AMOUNTS OF
17 MATERIALS AS IDENTIFIED IN SUBDIVISION ONE OF THIS SECTION, AS MAY BE
18 PRESENT IN THE SOLID WASTE COLLECTED.
19 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND IN FURTHERANCE OF
20 THE PURPOSES OF THIS SECTION, ANY LOCAL LAW ADOPTED BY A MUNICIPALITY
21 PURSUANT TO SECTION ONE HUNDRED TWENTY-AA OF THE GENERAL MUNICIPAL LAW
22 SHALL BE CONSISTENT WITH THE PROVISIONS OF THIS SECTION.
23 4. THE DEPARTMENT SHALL ADOPT REGULATIONS FOR THE IMPLEMENTATION OF
24 THIS SECTION AND SHALL CONSIDER THE PURPOSES OF THIS SECTION WITH REGARD

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 TO ANY APPROVAL OR PERMIT REQUIRED FOR THE COLLECTION, TRANSPORTATION OR
2 DISPOSAL OF SOLID WASTE. SUCH REGULATIONS SHALL FURTHER PROVIDE FOR THE
3 CLEAR DELINEATION OF RESPECTIVE RESPONSIBILITIES OF OWNERS OR OPERATORS
4 OF SOLID WASTE FACILITIES, TRANSPORTERS AND PLANNING UNITS UNDER THIS
5 SECTION.

6 5. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE
7 AUTHORITY OF A MUNICIPALITY TO ENACT LOCAL LAWS OR REGULATIONS, NOT
8 INCONSISTENT WITH THE RULES AND REGULATIONS OF THE DEPARTMENT, IMPOSING
9 MORE STRINGENT RESTRICTIONS ON THE DISPOSAL OF REUSABLE, RECYCLABLE OR
10 COMPOSTABLE MATERIALS.

11 S 2. Section 71-2703 of the environmental conservation law is amended
12 by adding a new subdivision 6 to read as follows:

13 6. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRA-
14 RY, THE SANCTIONS SET FORTH IN SUBDIVISIONS ONE AND TWO OF THIS SECTION
15 SHALL NOT APPLY TO A VIOLATION OF SECTION 27-0721 OF THIS CHAPTER
16 COMMITTED BY AN INDIVIDUAL RESIDENTIAL GENERATOR OF YARD WASTE. AN INDI-
17 VIDUAL RESIDENTIAL GENERATOR OF YARD WASTE WHO KNOWINGLY VIOLATES SUCH
18 SECTION 27-0721, OR ANY REGULATION PROMULGATED PURSUANT THERETO, SHALL
19 BE LIABLE FOR A CIVIL PENALTY NOT TO EXCEED ONE HUNDRED DOLLARS FOR EACH
20 SUCH VIOLATION, TO BE ASSESSED BY THE COMMISSIONER AFTER AN OPPORTUNITY
21 TO BE HEARD PURSUANT TO THE PROVISIONS OF SECTION 71-1709 OF THIS ARTI-
22 CLE, OR BY THE COURT IN ANY ACTION OR PROCEEDING PURSUANT TO SECTION
23 71-2727 OF THIS TITLE, AND, IN ADDITION THERETO, SUCH PERSON MAY BY
24 SIMILAR PROCESS BE ENJOINED FROM CONTINUING SUCH VIOLATION.

25 S 3. This act shall take effect immediately.